

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENYATTA ROGERS,

Plaintiff,

Case No. 18-cv-10561
Hon. Matthew F. Leitman

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER (1) GRANTING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT (ECF #14), (2) DENYING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT (ECF #15), AND (3) REMANDING THIS
ACTION FOR FURTHER ADMINISTRATIVE PROCEEDINGS**

In this action, Plaintiff Kenyatta Rogers challenges the denial of her applications for disability insurance benefits and supplemental security income benefits under the Social Security Act. (*See* Compl., ECF #1.) Rogers and Defendant Commissioner of Social Security have now filed cross-motions for summary judgment. (*See* ECF ## 14, 15.)

On January 7, 2019, the assigned Magistrate Judge issued a Report and Recommendation in which she recommended that the Court grant Rogers' motion, deny the Commissioner's motion, and remand this action to the Commissioner for further administrative proceedings (the "R&R"). (*See* ECF #17.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek

review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.* at Pg. ID 668.)

The Commissioner has informed the Court that she will not be filing any objections to the R&R. (*See* ECF #19.) The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommendation to grant Rogers’ Motion for Summary Judgment and deny the Commissioner’s Motion for Summary Judgment is **ADOPTED**.

IT IS FURTHER ORDERED that (1) Rogers’ Motion for Summary Judgment (ECF #14) is **GRANTED**, (2) the Commissioner’s Motion for Summary Judgment (ECF #15) is **DENIED**, and (3) this action is **REMANDED** to the Commissioner for further administrative proceedings consistent with the R&R and this order.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 7, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 7, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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